

REMARKS

This Amendment is in response to the Office Action of September 4, 2003. In the Office Action, the Examiner indicated that Claims 1-19 are pending, and Claims 1-19 are rejected. The Action was made FINAL. With this Amendment, Claims 1, 13 and 19 are amended, and Claims 1-19 are presented for reconsideration and allowance.

Claim Rejections - 35 USC § 112

The Examiner rejected Claims 1-19 under 35 USC 112, second paragraph. The Examiner considered the phrase "having a thickness that is large enough to compensate effectively for thermal expansion" to be indefinite.

With this Amendment, independent Claims 1 and 13 are amended to include a limitation to the first restraint layer having a combination of a Young's Modulus, a Poisson's ratio and a thickness such that the first restraint layer pulls the transducer back away from magnetic media to avoid contact with magnetic media at high temperatures. Independent Claim 19 is amended to include a limitation that the means for restraining has a combination of a Young's Modulus, a Poisson's ratio and a thickness such that the means for restraining pulls the transducer back away from magnetic media to avoid contact with magnetic media at high temperatures.

Claims 1, 13 and 19, as presently amended, are believed to meet the requirements of 35 USC 112, second paragraph. Reconsideration of the rejection based on 35 USC 112 and allowance of Claims 1-19 is therefore requested.

Claim Rejections - 35 USC § 102

The Examiner rejected Claims 1-19 under 35 USC 102(b) as

being anticipated by Koshikawa et al (US 5,898,542). The Examiner also rejected Claims 1-11, 13-19 under 35 U.S.C. 102(b) as being anticipated by Okai et al (US 5,687,045).

In making these rejections, the Examiner indicated that, in view of the 112 paragraph 2 rejection, that the previously added claim language "the first restraint layer having a thickness that is large enough ... and the transducer" was not considered in rejecting the claims. With the present amendments to independent Claims 1, 13 and 19, the language of the claims is believed to be definite and to also define novel subject matter over both Koshikawa et al. and Okai et al. Neither Koshikawa et al. nor Okai et al. disclose a first restraint layer (or means for restraining) that include a combination of a Young's Modulus, a Poisson's ratio and a thickness such that the first restraint layer pulls the transducer back away from magnetic media to avoid contact with magnetic media at high temperatures as presently claimed in Claims 1, 13 and 19.

The features of the dependent claims 2-12, 14-18 are also believed to define patentable subject matter in combination with the limitations in the presently amended base claims 1, 13.

Reconsideration of the rejections under 35 USC 102 and allowance of Claims 1-19 is therefore requested.

Applicants have recognized that, if a layer is made thick enough in combination with its Young's Modulus and Poisson's ratio, then that layer can act as a restraint layer (or restraint means). The restrain layer or means has a thermal expansion rate that can overpower the thermal expansion of a transducer to pull the transducer back away from magnetic media to avoid contact with magnetic media at high temperatures. There is no teaching in Koshikawa et al. or Okai et al. that layers can be made with combinations of thickness and mechanical properties that will pull a transducer back away from magnetic media to avoid contact with the magnetic media at high temperatures.

Conclusion

The application appears to be in condition for allowance and favorable action is requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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